

REMARKS

Claims of the application stand rejected in the Applicants respectfully present Claims 1, 2, 4-7, 9, 10, 12-14 and 16-23 for examination in the RCE filed herewith. Claims 1, 10 and 17 have been amended herein to more clearly define the claimed invention. Applicants respectfully submit that the claims and remarks presented herein overcome the Examiner's rejections in the Final Office Action dated April 30, 2009, in the parent application.

35 U.S.C. §103

1, 2, 4-10 and 12-24 stand rejected under 35 U.S.C. § 102(b) as being unpatentable over Bork et al. (U.S. Patent No. 6,954,657, hereafter "Bork") in view of O'Neill et al. (U.S. Publication 2004/0224693, hereafter "O'Neill"). Applicants respectfully traverse the Examiner's rejections.

The Examiner rejected Applicants' previously submitted arguments that Bork and O'Neill do not teach or suggest the claimed invention. Specifically, the Examiner reminds Applicants once again that the TSM test is no longer applicable. Applicants respectfully conceded this point in the previous response filed on March 23, 2009, i.e., that the TSM test is not the current test for combining references. Applicants submitted, however, that even under the KSR "common sense" test applicable today, the combination of Bork and O'Neill fail to teach or suggest the claimed invention. The Examiner failed to address Applicants comment and instead simply reiterates that the TSM test is old. The Examiner once again jumps from there to the conclusory statement that it would have been obvious to combine Bork and O'Neill without addressing how these references could be combined under the "common sense" test to achieve each and every element of the claimed invention.

Again, Applicants reiterate the following. Applicants concede that Bork teaches an alerting system and that O'Neill describes the concept of notifying a user of appointments, meetings, etc., Applicants nonetheless submit that the combination of Bork and O'Neill does not in fact render the claimed elements unpatentable. The current invention provides a scheme to ensure that a device may behave differently for different users because the users' schedules may differ. Thus, while Applicants concede

that Bork does in fact make reference to adjustments based purely on surrounding environmental factors, it makes no attempt to utilize any personalized user schedule information to customize that information. Bork therefore resembles the prior art scheme in the Specification in Paragraph 9 wherein the “devices behave the same for all users”. In other words, the device may adjust its behavior according to surrounding environmental factors but there is no teaching or suggestion in Bork that the user’s schedule or any user defined preferences may be processed with the environmental factors to provide highly customized direction to the mobile device.

In the Final Office Action, the Examiner states that he is not relying on Bork to teach the element of user schedule information. Instead, the Examiner suggests that since O’Neill teaches a system that includes a schedule that notifies the user of different events, it would have been obvious to combine with Bork to achieve the claimed invention. Applicants strongly disagree. The Examiner failed to address Applicants previous contention that even if proper, the combination of Bork with O’Neill merely suggests that the device may receive surrounding environmental factors and may also include a scheduling mechanism that notifies the user of various appointments. Nothing whatsoever in either reference teaches or suggests *combining the environmental information together with the user’s location information AND the user’s schedule to derive user context information*, and to then *determine device behavior based on the combined user context information and any user defined preferences*. Simply put, the schemes described in the references simply do not contemplate a *completely personalized user experience* on a mobile device. As claimed in the independent claims, the presently claimed invention includes the concept of “user context information” that is unique to each user and includes environment, location and schedule information, which may then be processed with user defined preferences, if they exist.

Applicants respectfully submit that the Examiner has failed to make any showing whatsoever of each element of the claimed invention. Specifically, the Examiner has failed to show how or where Bork or O’Neill, alone or in combination, teach at least the following elements of independent claims 1, 10 and 17:

combining the user’s physical context information and the user-specific location and the schedule information to derive user-context information;

combining user defined preferences if they exist, together with the derived user-context information; and
directing the mobile device to modify its behavior based on the results from the combining of the user context information and the user defined preferences if they exist.

In summary, Applicants respectfully request the Examiner to make a showing that Bork and/or O'Neill teach or suggest each and every element of the independent claims. Alternatively, Applicants respectfully submit that Claims 1, 2, 4-7, 9, 10, 12-14, 16-23 are patentable over Bork and/or O'Neil and respectfully request the Examiner to withdraw the 35 U.S.C. § 103 rejections to these claims.

CONCLUSION

Based on the foregoing, Applicants respectfully submit that the applicable objections and rejections have been overcome and that pending Claims 1, 2, 4-7, 9, 10, 12-14 and 16-23 are in condition for allowance. Applicants therefore respectfully request an early issuance of a Notice of Allowance in this case. If the Examiner has any remaining questions, he is encouraged to contact the undersigned at (714) 730-8225.

Respectfully submitted,

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